

EXPRESS TERMS
TITLE 13
DIVISION 1, CHAPTER 1.
ARTICLE 2.5. DRIVING UNDER THE INFLUENCE PROGRAM

§120.00. Purchase and Use of Notice of Completion Certificates.

(a) A Driving Under the Influence (DUI) Program provider shall use Notice of Completion Certificates, DL 101 (~~6/2003~~ REV 1/2007), purchased from the department only for submission to the department for participants who have satisfactorily completed the course of instruction offered by the provider. Except as required by subdivision (g), a DUI Program provider shall not issue, sell, loan, or transfer the certificates to the program participant, any other DUI Program provider, person, or entity.

(b) The department shall charge a fee of \$3.00 per Notice of Completion Certificate.

(c) A DUI Program provider may purchase Notice of Completion Certificates in books of fifty (50) from the department's headquarters office. Requests to purchase completion certificates shall be mailed to:

Department of Motor Vehicles
Forms and Accountable Items Section - MS G202
PO Box 932382
Sacramento, California, 94232-3820.

(1) The request to purchase completion certificates shall be on a Request for DUI Program Forms, DL 101R (Rev. 04/2004), which shall be completed in full and shall contain the printed name and original signature of the program director or any employee authorized by the program director to order completion certificates. The Request for DUI Program Forms, DL 101R (Rev. 04/2004), is herein incorporated by reference.

(A) A DUI Program Director may authorize only one employee per licensed location to purchase or order DUI certificates and only two employees per licensed location to sign completed certificates by submitting a DUI Program Signatory Authority, DL 101S (Rev. 04/2004), which shall be completed in full and include the printed name and title of the employee, the effective date of the authorization, the employee's signature, and the DUI Program Director's printed name and signature. The DUI Program Signatory Authority, DL 101S (Rev. 04/2004), is herein incorporated by reference.

(B) A DUI Program Director may delete the authorization of an employee to purchase or order DUI certificates or to sign completed certificates by submitting, a DL 101S (Rev. 04/2004), which shall be completed in full and include the name of the deleted employee, the effective date of the deletion, and the printed name and signature of the DUI Program Director.

(C) The DL 101S must be submitted at least five (5) days prior to the effective date of the employee authorization or deletion.

(2) The department shall mail the completion certificates only to the address of record for the DUI Program provider.

(A) Each DUI Program provider shall have only one address of record for each licensed location at a time, which shall be consistent with the mailing or site address given to the Department of Alcohol and Drug Programs and printed in the Directory of DUI Program Service Providers.

(B) Any changes to the DUI Program provider's address of record that occur between Directory update publications must be made, in writing, on the letterhead stationery of the DUI provider, signed by the DUI Program Director, and mailed to the Department of Alcohol and Drug Programs prior to requesting completion certificates at the new address.

(d) The DUI Program provider shall maintain the pink copy of the Notice of Receipt of DUI Program Certificates, ADM 518A(New 5/2002) issued by the department with each shipment of DUI certificates as proof of receipt of completion certificates as a business record for four years from the date the ADM 518A is issued. The Notice of Receipt of DUI Program Certificates, ADM 518A (New 5/2002) is herein incorporated by reference.

(1) The DUI program provider shall sign and mail back the white copy of the ADM 518A to the Department of Motor Vehicles' Forms and Accountable Items Section as evidence of receipt of the completion certificates.

(A) Until the department receives the white copy of the ADM 518A, the department will not authorize the acceptance of the completion certificates issued under that individual ADM 518A.

(B) If the department does not receive the copy of the signed ADM 518A from the DUI Program provider within eight weeks of the shipping date, the department may cancel the completion certificates shipped under the ADM 518A, and those completion certificates will not be accepted by the department.

(2) If the department cancels completion certificates pursuant to this section, no refund of the fees for the canceled certificates will be authorized.

(e) The department shall cancel any completion certificates for which the department received payment by check that is dishonored when presented for payment. The DUI Program provider shall surrender the canceled completion certificates to the department upon notification and demand for surrender.

(f) The department shall replace in full books of fifty (50), without a charge, those completion certificates which are damaged during the manufacturing and/or shipping process, or any completion certificates shipped, but not received as a full book of fifty (50).

(1) If the DUI program provider chooses to request replacement of the completion certificates, the provider shall submit a DL 101R (Rev. 04/2004), and shall complete it in full to include: a list of the numbers for the completion certificates for which replacement is requested, the reason for the replacement request, and a statement, signed under penalty of perjury under the laws of the State of California by the DUI program director or the authorized employee, that the information contained in the replacement request is true and correct.

(2) The DUI program provider shall retain the original certificate and all copies of the damaged completion certificates or those received individually as incomplete books in numerical sequence in the original book until they are destroyed pursuant to Section 9867 Subdivision (f) of Title 9, California Code of Regulations.

(g) When proof of completion of a DUI Program is required by the Vehicle Code, and the program participant completes all program requirements, the DUI Program provider shall complete the DMV copy of the DL 101 and submit it directly to the department. The program provider shall also submit the court copy of the DL 101 to court, and give the participant the participant copy. The department will only accept the completed original DMV copy from the program provider as acceptable proof of program completion.

(1) DUI Program providers may submit completed certificates by express mail to:

Department of Motor Vehicles
Mandatory Actions Unit
2570 24th Street -MS J 233
Sacramento, CA 95818.

(2) DUI Program providers may submit completed certificates by regular mail to:

Department of Motor Vehicles
Mandatory Actions Unit
P.O. Box 942890
Sacramento, CA 94290-0001.

(3) DUI Program providers who have been authorized by the department to submit completion certificates via electronic medium may submit completion certificates electronically to the department as authorized.

(h) The Vehicle Code requirements for a person to give, provide, or submit proof of completion of a DUI Program satisfactory to the department, shall be satisfied by a program participant when he or she completes all program requirements and signs the Notice of Completion Certificate (DL 101) or the Participant's Certification of DUI Program Enrollment or Completion, DL 804 (REV 1/2003) WWW, and the completed DL 101 is received by the department.

(1) The DL 804 (REV 1/2003) WWW, shall be used only when the participant is unavoidably absent and therefore unavailable to sign the Completion Certificate (DL 101) at the time it is issued by the program provider as evidence of the participant's program completion. The Participant's Certification of DUI Program Enrollment or Completion, DL 804 (REV 1/2003) WWW, is herein incorporated by reference.

(2) The DL 804 shall be retained by the DUI Program provider for the period required by Section 9866 of Title 9, California Code of Regulations, and shall be made available to the department immediately upon request.

(3) If an electronic completion certificate is submitted from a DUI Program provider that the department has authorized to submit completion certificates electronically, the participant's original signature which attests under penalty of perjury that he or she has completed all required DUI Program components will be captured on a DL 804 and retained by the DUI Program provider for the period required by Section 9866 of Title 9, California Code of Regulations. This document shall be made available to the department immediately upon request.

(i) The department will only accept completion certificates that contain all the information requested on the completion certificates. Incomplete or illegible certificates received by the department will be retained by the department and a DUI Program provider who submits an incomplete or illegible certificate will be required to submit a fully completed and legible certificate in place of the incomplete or illegible certificate.

(j) The department will only accept from a DUI Program provider those completion certificates that the department has assigned and shipped to that DUI Program provider, or electronic completion certificates from those program providers that the department has authorized to submit completion certificates electronically.

(k) The department will not accept completion certificates that are submitted more than four years from the date they were issued by the program provider.

Note: Authority cited: Sections 1651 and 13353.45, Vehicle Code. Reference: Sections 1801, 1801.1, 13352, 13352.1, 13352.4, 13352.5, 13353.4 and 13353.45, Vehicle Code

§120.01. Acquisition and Use of Proof of Enrollment Certificates.

(a) A Driving Under the Influence (DUI) Program provider shall use a Proof of Enrollment Certificate, DL 107 (Rev. ~~6/2002~~ 7/2006), obtained from the department only for submission to the department, for participants who are enrolled in a course of instruction offered by the DUI Program provider. Except as required by subdivision (d), a Program provider shall not issue, sell, loan, or transfer the enrollment certificates to any other DUI Program provider, program participant, person, or entity. The Proof of Enrollment Certificate, DL 107 (Rev. ~~6/2002~~ 7/2006), is herein incorporated by reference.

(b) A DUI Program provider may obtain enrollment certificates in packages of fifty (50) from the department's headquarters office. Requests for enrollment certificates shall be mailed to:

Department of Motor Vehicles
Forms and Accountable Items Section, M/S G202
P. O. Box 932382
Sacramento, CA 94232-3820.

(1) The request to obtain enrollment certificates shall be made on a Request for DUI Program Forms, DL 101R (Rev. 04/2004), which shall be completed in full and shall include the name, license number, and address of the DUI Program, the printed name and original signature of the program director or any employee authorized by the DUI Program Director, and the quantity of enrollment certificates requested.

(2) The department shall mail the enrollment certificates only to the address of record for the DUI Program provider.

(c) The DUI Program provider shall maintain the pink copy of the Notice of Receipt of DUI Program Certificates, ADM 518A (New 5/2002), as proof of receipt of enrollment certificates as a business record for four years from the date the ADM 518A is issued.

(1) The DUI Program provider shall sign and mail back the white copy of the ADM 518A to the Department of Motor Vehicles' Forms and Accountable Items Section as evidence of receipt of the enrollment certificates.

(A) Until the department receives the white copy of the ADM 518A, the department will not authorize the acceptance of the enrollment certificates issued under that individual ADM 518A.

(B) If the department does not receive the copy of the signed ADM 518A from the DUI Program provider within eight weeks of the shipping date, the department may cancel the enrollment certificates shipped under that individual ADM 518A and those enrollment certificates will not be accepted by the department.

(d) When evidence of enrollment in a DUI Program is required by the Vehicle Code, and the program participant enrolls in a program, the DUI Program provider shall complete the DMV copy of the DL 107 and submit it directly to the department. The program provider shall also submit the court copy of the DL 107 to the court and give the participant the participant copy. The department will only accept the completed original DMV copy from the program providers as acceptable proof of program enrollment.

(1) DUI Program providers may submit completed enrollment certificates by express mail to:

Department of Motor Vehicles
Mandatory Actions Unit
2570 24th Street -MS J 233
Sacramento, CA 95818.

(2) DUI Program providers may submit completed enrollment certificates by regular mail to:

Department of Motor Vehicles
Mandatory Actions Unit
P.O. Box 942890
Sacramento, CA 94290-0001.

(3) DUI Program providers who have been authorized by the department to submit enrollment certificates via electronic medium may submit enrollment certificates electronically to Department of Motor Vehicles as authorized.

(e) If an electronic enrollment certificate is submitted from a DUI Program that the department has authorized to submit enrollment certificates electronically, the participant's original signature will be captured on a Participant's Certification of

DUI Program Enrollment or Completion, DL 804 (REV 1/2003) WWW and retained by the DUI Program provider for the period required by Section 9866 of Title 9 of the California Code of Regulations. This document shall be made available to the department immediately upon request.

(f) The department will only accept enrollment certificates which contain all the information requested on the enrollment certificate. All incomplete certificates received by the department will be retained by the department and the DUI Program provider who submitted the incomplete certificates will be required to submit fully completed certificates in place of the incomplete certificates.

(g) The department will only accept from a DUI Program provider those enrollment certificates that the department has assigned and shipped to that DUI Program provider, or electronic enrollment certificates from those DUI Program providers that the department has authorized to submit enrollment certificates electronically.

Note: Authority cited: Section 1651, Vehicle Code. Reference: Sections 1801, 1801.1, 13352(a)(3), 13352.5(a)(1), 13353.7 and 23152, Vehicle Code.

§120.02. Lost or Stolen Notice of Completion Certificates or Proof of Enrollment Certificates.

The Driving Under the Influence (DUI) Program director shall report in writing to the department's Forms and Accountable Items Section any lost or stolen Notice of Completion Certificates, DL 101 (Rev ~~6/2003~~ 1/2007), or Proof of Enrollment Certificate, DL 107 (Rev. ~~6/2002~~ 7/2006), not later than close of the business day following discovery of the loss or theft. The DUI Program Director shall report any lost or stolen completion or enrollment certificates to local police authorities and shall, in addition to retaining a copy in the DUI Program provider's business records, forward to the department's Forms and Accountable Items Section a copy of the police report within thirty (30) days of the discovery of the loss or theft.

Note: Authority cited: Sections 1651 and 13353.45, Vehicle Code. Reference: Sections 13352, 13352.1, 13352.5, 13353.7 and 13353.45, Vehicle Code.

~~§120.04. Certificates Required for First Conviction of Driving Under the Influence.~~

~~(a) When the department receives notification from a court that a driver is convicted of a first offense for driving under the influence, the violation occurred on or after January 1, 1995, and the court did not suspend the driver license, the department shall notify the driver of the date by which a Notice of Completion~~

~~Certificate, DL 101 (6/2003), must be submitted to the department by a Driving Under the Influence (DUI) Program provider. If the certificate of completion is not received by the department by the date indicated in the notice, the department shall suspend the person's driving privilege until the certificate is received.~~

~~(b) The department shall determine the date the certificate of completion is due based on the DUI conviction date and the length of the DUI Program the court orders the driver to attend. The department shall determine the due date for completion of the program by adding 90 days to the conviction date (or the number of months of the court ordered program, if the program length exceeds 90 days) plus an additional 120 days to allow for enrollment in the program and submission of the certificate.~~

~~(c) If the driver requests and is granted a leave of absence from attendance in a DUI Program, pursuant to Section 9876.5 of Subchapter 4, Chapter 3, of Title 9, California Code of Regulations, so that the driver is unable to complete the DUI Program in time to meet the certificate due date, the program may notify the department of the leave of absence by sending a letter on business letterhead indicating the name, date of birth, and driver license number of the driver and the length of the leave of absence granted. Each driver's leave of absence reported must be reported individually in a separate letter and mailed within three business days of granting it. Upon receipt of the letter, if the driver has not yet been suspended pursuant to Vehicle Code Section 13352.4, the department will extend the due date by the period of time for which the leave was granted.~~

~~Note: Authority cited: Sections 1651 and 13353.45, Vehicle Code. Reference: Section 13352.4, Vehicle Code.~~

§124.93. Reissuance of California Driver License.

A driver whose suspension or revocation under Section 13352, 13352.1, or 13352.4 of the Vehicle Code was terminated pursuant to Section 13353.5 is not eligible for issuance of a driver license in California until:

(a) Payment of the reissuance fee imposed pursuant to Section 14904 of the Vehicle Code.

(b) The department determines that no grounds exist for refusal of a license.

(c) Three years have elapsed from the date of the termination or the driver completes the driving-under-the-influence program required pursuant to Section 13352, 13352.1, or 13352.4 of the Vehicle Code, submits a Notice of Completion Certificate (Form DL 101 (6/2003 Rev. 1/2007)) to the department, and submits proof of financial responsibility pursuant to Section 16430 of the Vehicle Code.

Note: Authority cited: Section 1651, Vehicle Code. Reference: Sections 13100, 13352, 13352.1, 13352.4, 13353.4, 13353.5, 14904 and 16430, Vehicle Code.

§124.95. Restriction Fee.

Pursuant to Sections 13352, subdivisions (a)(3) through (a)(7), 13352.1 and 13352.5 of the Vehicle Code, a \$15 restriction fee is required to be paid upon application for a restricted driver license. This fee is in addition to all other fees required by the Vehicle Code, and shall be paid prior to the issuance of a restricted driver license.

Note: Authority cited: Sections 1651, 13352 and 13352.5, Vehicle Code. Reference: Sections 13352, 13352.1 and 13352.5, Vehicle Code.